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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,761	03/24/2004	Daniel R. Coward	SUNMP324 / P9667	5906
32291	7590	07/19/2007	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			HUYNH, NAM TRUNG	
		ART UNIT	PAPER NUMBER	
		2617		
		MAIL DATE	DELIVERY MODE	
		07/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/808,761	COWARD ET AL.	
	Examiner	Art Unit	
	Nam Huynh	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 April 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9-11,13-17,22-25,27-31 and 33 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 9-11,13-17,22-25,27-31 and 33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/23/07</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 4/23/2007. Of the previously presented claims 9-17 and 22-33, claims 9, 22, and 30 have been amended and claims 12, 26, and 32 have been cancelled.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 9-11, 13, 22-25, 27, 30, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Sorvari et al. (US 2004/0043758) (hereinafter referred to as Sorvari).

Regarding claims 9-11, 22-25, 30, and 31, Sorvari discloses a system and method for provisioning context sensitive recommendations to digital services (title). In the scope of the invention, a user's portable wireless device stores past service usage and context activity in a service history log (user action proxy that detects and stores user actions as user action information) (pages 7, 8, paragraphs 87, 90). The service history log is then sent to a network server (user information system/service information system/ranker filter) that implements a service recommendation engine or algorithms to

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recommend or determine a subset of services from a plurality of services (storing service description data describing a plurality of services available to the user) according to user-related filter criteria (page 5, paragraph 64). This criterion may include a user's profile that includes habits, likes-dislikes, personal characteristics, personal background, etc. (storing user profile information and the user action information based on a particular user) (page 4, paragraph 59).

In an embodiment of the invention services are automatically delivered to a wireless device according to the history log and sensor information (page 28, paragraph 388). In an example of the embodiment, a user may obtain bus schedules and read daily news services when traveling to work. Under this circumstance the wireless device or server would organize bookmarks or links to the services according to the time of day the service (pattern common to at least two services) was accessed and present them to the user for selection (monitor each service predicts a set of services from a plurality of services that the user is expected to utilize within a predefined period of time based on the user profile information and the user action information stored in the user information system) (page 28, paragraph 389). In this embodiment, the "pattern common to at least two services" is the time of day that the services were accessed. This teaching is further taught in figure 17B where it can be seen that a plurality of different services are organized into a category such as dining and news. With respect to this teaching, the "pattern common to at least two services" is the category, i.e. dining and/or news, because the services under each category provide the same type of information.

Sorvari further shows in figure 3 the display of a bookmark list (service list) on the handset. It can be seen that the bookmark list comprises primary, secondary, and tertiary positions wherein “www.news.wml” is in the primary or most predominate position, “www.weather.wml” is in the secondary position, and “www.entertainment.wml” is in the tertiary or least predominate position.

Regarding claims 13 and 27, Sorvari teaches that bookmarks/short-cuts may be generated from metadata (service description data) associated with a particular service site.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 14-17, 28, 29, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari et al. (US 2004/0043758) (hereinafter referred to as Sorvari) in view of Fano et al. (US 2002/0133545) (hereinafter referred to as Fano).

Sorvari teaches that bookmarks/short-cuts may be generated from metadata (service description data) associated with a particular service site. This metadata is employed to characterize or classify the content on a particular service site. However, does not explicitly disclose that this metadata defining how the plurality of services can be aggregated and are accessible to a user in a pooled form. Fano et al. discloses a mobile valet that when utilized in accordance with the invention, can coordinate the delivery of services to create of what is referred to as a "symphonic experience" or "pooled experience". Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Sorvari to include the capability to utilize the metadata to "pool" services together, in order to enhance the richness of the user's experience to accomplish tasks or utilize available services.

Response to Arguments

6. Applicant's arguments with respect to claims 9-11, 13-17, 22-25, 27-31, and 33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH
7/10/07



GEORGE ENG
SUPERVISORY PATENT EXAMINER